

REMARKS

Claims 1, 2, 4-7, 13, 17, and 29-34 are pending in the current application, with claims 32-34 being newly presented for examination by this Amendment. Claims 1, 2, 4-7, 13, 17, and 29-31 currently stand rejected, and claims 1, 2, 5-7, 13, 17, 30, and 31 have been amended. Reconsideration and allowance of claims 1, 2, 4-7, 13, 17, and 29-34 are respectfully requested in light of the preceding amendments and following remarks.

Objections to the Specification

The Examiner objects to the claims as amended in the March 27, 2008 Amendment for introducing new matter, because the terms “computer-readable medium” and “resumption of reproduction of video data is prohibited” lack support in the application as filed.

With regard to “computer-readable medium,” Applicants respectfully submit that the specification is replete with discussion of recording media such as high-density optical disks that are readable with a pick-up and processor commonly understood to be a computer. Thus, Applicants disclosed and demonstrated possession of a computer-readable medium in describing the various recording media in the specification, and amendments to this effect do not introduce new matter. Further, Applicants have amended paragraph [0023] to explicitly reflect this understanding.

With regard to “resumption of reproduction of video data is prohibited,” Applicants respectfully direct the Examiner to page 10, lines 18-28 of the

specification as filed, which discloses and describes an instance where resumption of reproducing video data is not permitted. Thus, Applicants disclosed and demonstrated possession of prohibition of video data reproduction resumption, and amendments to this effect do not introduce new matter.

Because the specification as filed contains written description support for each claim amendment, these amendments do not constitute new matter. Withdrawal of the objections to the claim amendments of March 27, 2008 is respectfully requested.

Claim Objections

Claim 17 is objected to because of grammatical errors. Applicants respectfully submit that the above amendments to claim 17 have addressed and overcome these objections by replacing “records” with “record.” Withdrawal of the objection to claim 17 is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 4-7, and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat 6,067,400 to Saeki et al. (“Saeki”). Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claim 1, Applicants note that the claim has been amended to recite “a **resume flag indicating whether resumption** of reproduction of the data playing unit at a suspended position **is permitted or prohibited.**” The

Examiner alleges that the DSI packet of Saeki can indicate if resumption is allowed, since if a return address were absent from the DSI, no resumption would be allowed. Saeki does not disclose this. Nowhere does Saeki teach or suggest, inherently or explicitly, that a return address is ever missing from its DSI, let alone that this absence indicates “whether resumption of reproduction of the data playing unit at a suspended position is permitted or prohibited.” Rather, Saeki discloses only that the DSI packet includes a return address for resuming application reproduction. See Saeki, Col. 12, ll. 44-54.

Further, even assuming that Saeki disclosed the return address functionality alleged by the Examiner, presence or absence of a return address cannot meet the definition of a “resume flag” present in claim 1. If the return address is applied as the resume flag of claim 1, then **only when the resume flag is missing** would resumption be prohibited in Saeki. Claim 1 explicitly requires a resume flag; its **absence** cannot meet each and every element of claim 1. Thus, Saeki does not teach the resume flag of claim 1 that bars or allows resumption.

Lastly, it is not at all clearly taught or suggested by Saeki that its return address permits “resumption of reproduction of the data playing unit **at a suspended position.**” Saeki teaches that its return address includes a **start position** of a video object including the outset of the sub-picture data. The start position is not the suspended position, as a video can be suspended at several different positions aside from its start position. Thus, Saeki does not disclose the suspended position of claim 1.

Because Saeki does not teach or suggest each and every element of claim 1, Saeki cannot anticipate or render obvious claim 1. Claims 2, 4-7, and 29 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection to claims 1, 2, 4-7, and 29 under 35 U.S.C. § 102(b) is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 13, 17, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saeki in view of US Pat 5,923,869 to Kashiwagi et al. ("Kashiwagi"). Applicants respectfully traverse this rejection for the reasons detailed below.

Kashiwagi does not cure, nor does the Examiner apply Kashiwagi for curing, the differences between Saeki and claim 1 as a whole discussed above. Particularly, Kashiwagi does not teach or suggest anything related to a resume flag having the recited functionality of claim 1. Because Saeki, alone or in combination with Kashiwagi, does not teach or suggest each and every element of claim 1, these references cannot anticipate or render obvious claim 1. Claims 13 and 17 are equally allowable over these references for reciting the at least the unique subject matter of claim 1 discussed above. Claims 30 and 31 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection under 35 U.S.C. § 103(a) to claims 13, 17, 30, and 31 is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 2, 4-7, 13, 17 and 29-31 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Terry L. Clark at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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